

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROY L. RAMBO, JR.,

Petitioner,

v.

PATRICK A. NOGAN, et al.,

Respondents.

Civil Action No. 14-874 (MAS)

MEMORANDUM AND ORDER

Petitioner Roy L. Rambo, Jr., a prisoner currently incarcerated at South Woods State Prison in Bridgeton, New Jersey, previously brought a petition pursuant to 28 U.S.C. § 2254 for Writ of Habeas Corpus before this Court. (Pet., ECF No. 1.) At the time of filing, Petitioner paid the required five-dollar filing fee. On March 1, 2020, this Court denied Petitioner’s habeas petition brought pursuant to 28 U.S.C. § 2254. (Op., Mar. 1, 2020, ECF No. 111.) Petitioner thereafter filed an appeal of the denial with the United States Court of Appeals for the Third Circuit. (Notice of Appeal, ECF No. 115.) Presently before the Court is Petitioner’s filing of a motion for leave to proceed *in forma pauperis* (“IFP”) on appeal. (Mot., ECF No. 116.)

Pursuant to Federal Rule of Appellate Procedure 24(a)(1)(A), a court may grant a petitioner IFP status on appeal where the petitioner shows, in the detail required by Form 4 of the Appendix of Forms, that he is unable to pay or to give security for the fees and costs on appeal. A petitioner must also state the issues that he intends to present on appeal. *See* Fed. R. App. P. 24(a)(1)(C). Under Local Appellate Rule 24.1(c), a prisoner seeking IFP status on appeal of the denial of a habeas petition¹ must file “an affidavit of poverty in the form prescribed by the Federal Rules of

¹ Paragraph (c) of Local Appellate Rule 24.1 applies to “cases filed in which 28 U.S.C. § 1915(b) does not apply.” L. App. R. 24.1(c). The Third Circuit has held that § 1915(b) does not apply to

Appellate Procedure accompanied by a certified statement of the prison account statement(s) (or institutional equivalent) for the 6 month period preceding the filing of the notice of appeal.”

L. App. R. 24.1(c).

Here, Petitioner has substantially complied with these requirements. (Mot., ECF No. 116.) Accordingly, Petitioner’s motion will be granted.


IT IS therefore on this 19th day of June, 2020,

ORDERED that the Clerk of the Court shall mark this matter as **OPEN** so that the Court may consider Petitioner’s submission;

ORDERED that Petitioner’s motion for leave to proceed *in forma pauperis* on appeal (ECF No. 116) is **GRANTED**;

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail; and it is further

ORDERED that the Clerk of the Court shall mark this case **CLOSED**.


MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

habeas petitions or to appeals of denials of habeas petitions. *See Santana v. United States*, 98 F.3d 752, 756 (3d Cir. 1996).